

January 18, 2013

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
January 18, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:33 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Anita M. Cummings, Ares G. Dalianis, and Garrett P. FitzGerald (by telephone), Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; Roneta Taylor (by telephone), Mark Magill (by telephone), Julie Moscardelli (by telephone), Rich Fetter, and Will Walker, Illinois Department of Central Management Services; Jane Bachman (by telephone), Illinois Department of Insurance; Ronald Rascia, Illinois Workers' Compensation Commission; and Kathy Barrow (by telephone) and Connie Westfall (by telephone), Administrative & Regulatory Shared Services Center.

MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka advised that he had been notified in advance that Commissioner Garrett FitzGerald was prevented from physically attending the January meeting at the Commission's Chicago office due to personal illness and wished to attend by audio conference.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, AND THE MOTION ADOPTED 3-0 TO ALLOW COMMISSIONER FITZGERALD TO ATTEND THE MEETING BY AUDIO CONFERENCE.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD DECEMBER 21, 2012

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD DECEMBER 21, 2012.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Chairman Chris Kolker offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Illinois Dept. of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	132.....	14
Agriculture.....	330.....	16
Arts Council.....	17.....	2
Capitol Development Board.....	45.....	0
Central Management Services.....	1,538.....	114
Children and Family Services.....	2,816.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	371.....	69
Commerce Commission.....	75.....	0
Corrections.....	11,029.....	105
Criminal Justice Authority.....	59.....	5
Deaf and Hard of Hearing Comm.....	6.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	88.....	6
Employment Security.....	1,738.....	28
Environmental Protection Agency.....	828.....	16
Financial & Professional Regulation.....	446.....	43
Gaming Board.....	141.....	6
Guardianship and Advocacy.....	100.....	7
Healthcare and Family Services.....	2,069.....	25
Historic Preservation Agency.....	166.....	14
Human Rights Commission.....	14.....	2
Human Rights Department.....	136.....	8
Human Services.....	11,768.....	79
Illinois Sentencing Policy Advisory Council.....	2.....	2
Insurance.....	237.....	14
Investment Board.....	3.....	2
Juvenile Justice.....	1,164.....	21
Labor.....	89.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Lottery.....	140.....	7
Military Affairs.....	117.....	3
Natural Resources.....	1,106.....	28
Pollution Control Board.....	19.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	25.....	1
Public Health.....	1,067.....	40
Racing Board.....	3.....	1
Revenue.....	1,625.....	51
State Fire Marshal.....	127.....	12
State Police.....	1,106.....	7
State Police Merit Board.....	4.....	1
State Retirement Systems.....	94.....	2
Transportation.....	2,177.....	0
Veterans' Affairs.....	1,302.....	9
Workers' Compensation Commission.....	129.....	8
TOTALS.....	44,521.....	839

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported:

- As to Item C, this was withdrawn by the agency.
- As to Item D, this was withdrawn by the agency.
- As to Item E, this request is for the Statewide Print Administrator, a position that reports to the Deputy Director of Agency Services who reports to the Director of Central Management Services. The agency submitted a clarified position description which established that principal policy responsibility for the print reduction initiative program established by the Governor and under the Green Government Initiative. It has authority to remove personal printing equipment and replace them with centralized equipment to reduce the consumption of office paper. To date, this position has been able to eliminate over 9000 print devices since 2011. This position also has authority over the consolidation of print shops in various agencies. It is projected it will also be taking a principal policy role in moving the state to a paperless system. For these reasons, Staff recommended approval of this request.
- As to Item F, the agency requested that this be continued to the February 15, 2013 meeting.
- As to Item G, the agency requested that this be continued to the February 15, 2013 meeting.
- As to Items H1 and H2, these requests are from the Bureau of Communications and Computer Services (BCCS) in the Department of Central Management Services, and both these positions report to the Bureau's Deputy Director who reports to the Director.

Item H1 is the Enterprise Architecture and Strategy Executive and H2 is the Enterprise Project Management Office Executive.

Item H1 has principal policy responsibility in the system architecture area. This refers to decisions made as to, being overly simplistic here, the hardware and software BCCS uses to provide the data management services it provides on a statewide basis to not only state agencies but a multitude of users, both within the state and on a national scale. There was an issue raised last month as to where the authority lies in making these determinations since an agency was seeking an exemption for an agency position that would be making these determinations at the agency level. It has since been clarified that BCCS has the ultimate authority when it comes to system architecture determinations statewide. Considering the gravity of such determinations and the consequences to the, literally, millions of users of the state's data management services if the hardware and software is incapable of meeting the demands of the system's users, Staff recommended approval of this request.

Item H2 is solely responsible for determining all policies, processes, procedures, software tools and methodologies associated with the way projects and programs are administered and overseen within BCCS. It manages between 75-125 projects at any given time. It may best be compared to a strategic planning position in a traditional agency, a function that in the past has supported principal policy exemption. For these reasons, Staff recommended approval of this request.

Chairman Kolker inquired as to how these technical computer positions can affect policy to warrant exemption. Rich Fetter, Deputy Director, replied that positions such as these have a great influence on the State's ability to maintain a functioning information management system which is a critical operation. They ensure a high-functioning computer environment by promoting standardization among the State's users. The benefit of standardization is BCCS can then better serve State agencies and other end users. Chairman Kolker expressed concern over technical positions being granted Section 4d(3) exempt status.

The following five requests are all from the Department of Insurance.

- As to Item I, this request is for a Senior Policy Advisor, a position that reports to the Director. It has principal policy responsibility for formulating proposals and long-range plans for the agency in a manner similar to a strategic planner. It also functions in an outreach capacity towards the insurance industry. The agency already has an exempt consumer outreach position. For these reasons, Staff recommended approval of this request.
- As it Items J1 and J2 these were withdrawn by the agency.
- As to Item K, this request is for the Life and Annuity Products Program Manager, a position that reports to the Chief Deputy Director who reports to the Director. This position has principal policy responsibility for managing this program which entails, to a great deal, approving the firms used by the 1300 carriers licensed to sell this product in Illinois. In the last six months alone that totals 2110 forms. In addition, it is responsible for resolving complaints against insurance companies. In 2012 there were 642 complaints filed against providers. As these are programs mandated by the Illinois Insurance Code, Staff recommended approval of this request.

Chairman Kolker inquired as to the primary focus of this position. Executive Director Stralka replied it was the form approval process. Jane Bachman, Chief Financial Officer, Illinois Department of Insurance, further explained the form approval process and its importance to the overall mission of the agency.

Chairman Kolker asked if there were incumbents in the positions or if the positions were covered by collective bargaining. Jane Bachman stated there were no incumbents and they were not covered by collective bargaining. Chairman Kolker asked if there were market exams and Jane Bachman stated no.

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- As to Item L, this request is for the Health Products Program Manager, a position that reports to the Chief Deputy Director who reports to the Director. This position has principal policy responsibility in managing the certification of insurers eligible to participate in the health insurance exchange established by the Affordable Care Act. Given the nature of this program, Staff recommended approval of this request.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, AND THE MOTION ADOPTED 4-0 TO ACCEPT THE WITHDRAWAL OF 4D(3) EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:

C: Mental Health & Addiction Recovery Management Supervisor (Corrections)

D: Public Affairs Director (Natural Resources)

J1: Deputy General Counsel/Policy Advisor, Downstate (Insurance)

J2: Deputy General Counsel/Policy Advisor, Upstate (Insurance)

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 4-0 TO CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

F: Chief Technology Officer (Employment Security)

**G: Manager of Insurance Compliance Outreach Program
(Workers' Compensation Commission)**

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY CHAIRMAN KOLKER, AND THE MOTION ADOPTED 4-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

E: Project Manager-Statewide Print (Central Management Services)

**H1: Enterprise Architecture & Strategy Executive
(Central Management Services)**

**H2: Enterprise Project Management Office Executive
(Central Management Services)**

I: Senior Advisor to the Director (Insurance)

K: Deputy Director, Life and Annuities Products Division (Insurance)

L: Deputy Director, Health Products Division (Insurance)

The following 4d(3) exemption requests were withdrawn on January 18, 2013:

C. Illinois Department of Corrections

Position Number	40070-29-02-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs and Support Services
Functional Title	Mental Health & Addiction Recovery Management Supervisor
Incumbent	Vacant
Supervisor	Chief of Program & Support Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Will County

D. Illinois Department of Natural Resources

Position Number	40070-12-00-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Public Affairs Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

J1. Illinois Department of Insurance

Position Number	40070-14-01-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legal Affairs
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to Director
Location	Sangamon County

J2. Illinois Department of Insurance

Position Number	40070-14-01-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legal Affairs
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to Director
Location	Cook County

The following 4d(3) exemption requests were continued on January 18, 2013:

F. Illinois Department of Employment Security

Position Number	40070-44-30-500-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Services Bureau
Functional Title	Chief Technology Officer
Incumbent	Vacant
Supervisor	Chief Information Officer who reports to the Director
Location	Cook County

G. Illinois Workers' Compensation Commission

Position Number	40070-50-37-011-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Insurance Compliance
Functional Title	Manager of Insurance Compliance Outreach Program
Incumbent	Vacant
Supervisor	Insurance Compliance Manager who reports to the Chairman
Location	Cook County

The following 4d(3) exemption requests were granted on January 18, 2013:

E. Illinois Department of Central Management Services

Position Number	40070-37-01-000-40-01
Position Title	Senior Public Service Administrator
Bureau/Division	Agency Services
Functional Title	Project Manager-Statewide Print
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Agency Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

H1. Illinois Department of Central Management Services

Position Number	40070-37-10-000-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Enterprise Architecture & Strategy
Functional Title	Enterprise Architecture & Strategy Executive
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Communications & Computer Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Sangamon County

H2. Illinois Department of Central Management Services

Position Number	40070-37-17-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Enterprise Project Management Office
Functional Title	Enterprise Project Management Office Executive
Incumbent	Vacant
Supervisor	Deputy Director, Bureau of Communications & Computer Services, who reports to the Assistant Director, who in turn reports to the Director
Location	Cook County

I. Illinois Department of Insurance

Position Number	40070-14-00-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Senior Advisor to the Director
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

K. Illinois Department of Insurance

Position Number	40070-14-18-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Life and Annuities Products
Functional Title	Deputy Director, Life and Annuities Products Division
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to Director
Location	Sangamon County

L. Illinois Department of Insurance

Position Number	40070-14-19-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Health Products
Functional Title	Deputy Director, Health Products Division
Incumbent	Vacant
Supervisor	Chief Deputy Director who reports to Director
Location	Sangamon County

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VI. CLASS SPECIFICATIONS

- None Submitted

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), 2(c)(5), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	CUMMINGS	YES
DALIANIS	YES	FITZGERALD	YES
KREY			

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VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:10 a.m.

PRESENT

Chris Kolker, Chairman; Anita M. Cummings, Ares G. Dalianis, and Garrett P. FitzGerald (by telephone), Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director (by telephone).

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Illinois Department of Central Management Services' Consecutive Non-Merit Report.

Agency	11/30/12	12/31/12	12/31/11
Aging	2	1	0
Agriculture	1	0	0
Central Management Services	2	1	1
Children and Family Services	5	4	2
Employment Security	0	0	6
Healthcare and Family Services	5	5	5
Historic Preservation Agency	0	0	1
Human Services	2	2	0
Natural Resources	2	3	8
Revenue	3	2	0
Transportation	1	0	4
Veterans' Affairs	1	0	1
Totals	24	18	28

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X. INTERLOCUTORY APPEAL

S-52-12

Employee	Bernadine Jefferson	Appeal Date	05/21/12
Agency	Revenue	Decision Date	01/07/13
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Employee did not participate in scheduled telephone status conference	Proposal for Decision	Dismiss the appeal; default.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT JEFFERSON'S FAILURE TO PARTICIPATE IN THE DECEMBER 19, 2012 TELEPHONE STATUS CONFERENCE CONSTITUTES A DEFAULT, RESULTING IN THE DISMISSAL OF HER APPEAL.

**KOLKER YES CUMMINGS YES
DALIANIS YES FITZGERALD YES
KREY**

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-27-12

Employee	Sam Spiratos	Appeal Date	10/12/11
Agency	Agriculture	Decision Date	01/04/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PROVEN DO WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JANUARY 4, 2013.

**KOLKER YES CUMMINGS YES
DALIANIS YES FITZGERALD YES
KREY**

DA-14-13

Employee	Andrea A. Thompson	Appeal Date	10/01/12
Agency	Human Services	Decision Date	01/04/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER FITZGERALD, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO MODIFY AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PROVEN BUT THE UNIQUE FACTUAL CIRCUMSTANCES SURROUNDING THE DISCHARGE DO NOT RISE TO THE LEVEL WHICH SOUND PUBLIC OPINION RECOGNIZES AS GOOD CAUSE FOR THE EMPLOYEE TO NO LONGER HOLD THE POSITION.

THE EVIDENCE INDICATED THAT THE APPLICABLE RULES REQUIRE THAT THE AGENCY HAVE A REASON TO SUSPECT THAT THOMPSON WAS ABUSING SICK TIME BEFORE IT MAY REQUEST MEDICAL DOCUMENTATION FROM HER FOR THE ABSENCES ON JULY 17, 21 AND 22, 2012. THE SUPERVISOR WHO MADE THIS REQUEST DID NOT TESTIFY WHY SICK TIME ABUSE WAS SUSPECTED TO JUSTIFY THIS REQUEST. NO DOCUMENTARY EVIDENCE WAS SUBMITTED TO ESTABLISH THE BASIS FOR ANY SUSPICION. THEREFORE THE AGENCY FAILED TO ESTABLISH ITS RIGHT TO MAKE THIS REQUEST. THE QUESTIONABLE APPLICATION OF THIS POLICY IS ALSO EVIDENCED BY THE FAILURE OF THOMPSON'S SUPERVISOR ON JULY 23-25 TO MAKE A REQUEST FOR MEDICAL DOCUMENTATION EVEN THOUGH SHE CALLED OFF IN A SIMILAR MANNER. WHILE THIS WOULD NORMALLY BE GROUNDS TO OVERTURN THE DISCHARGE IN ITS ENTIRETY, IT WAS ESTABLISHED THAT THOMPSON DID NOT OBJECT TO THE REQUEST FOR MEDICAL DOCUMENTATION; SHE WAIVED THIS ARGUMENT AGAINST HER DISCHARGE.

THEREFORE, THE ATTENDANCE INFRACTIONS HAVE BEEN ESTABLISHED AND IT WILL ONLY BE CONSIDERED TO SUPPORT A LESSER FORM OF DISCIPLINE THAN DISCHARGE. OTHER FACTORS THAT CONTRIBUTED TO A FINDING THAT A LESSER FORM OF DISCIPLINE IS APPROPRIATE ARE HER THREE MONTHS WITHOUT AN INFRACTION PRIOR TO THESE ABSENCES, THE APPARENT SUFFICIENCY OF THE MEDICAL DOCUMENTATION THAT SHE DID SECURE, AND THE ABSENCE OF ANY FRAUDULENT INTENT ON THOMPSON'S PART – SHE SIMPLY FORGOT TO TIMELY SUBMIT THE MEDICAL DOCUMENTATION. CONSIDERING HER POOR ATTENDANCE RECORD, THE EXISTENCE OF THE LAST CHANCE AGREEMENT WHICH SHOULD HAVE PUT HER ON NOTICE TO TIMELY SUBMIT ALL REQUIRED DOCUMENTATION, AND THE NUMEROUS OPPORTUNITIES

SHE PASSED UP TO TIMELY SUBMIT THE MEDICAL DOCUMENTATION WITHOUT AN ACCEPTABLE EXPLANATION, THE MAXIMUM DISCIPLINARY SUSPENSION SHORT OF DISCHARGE IS THE APPROPRIATE LEVEL OF DISCIPLINE.

IT MUST ALSO BE NOTED THAT THE TERMS OF THE LAST CHANCE AGREEMENT DID NOT MANDATE THAT THOMPSON BE DISCHARGED FOR A SUBSEQUENT ATTENDANCE INFRACTION.

FOR THESE REASONS, SAID PROVEN CHARGES WARRANT THE SUSPENSION OF THOMPSON FROM HER POSITION WITH THE ILLINOIS DEPARTMENT OF HUMAN SERVICES FOR A PERIOD OF 90 DAYS PLUS THE DURATION OF HER SUSPENSION PENDING DISCHARGE.

**KOLKER YES CUMMINGS YES
DALIANIS YES FITZGERALD YES
KREY**

AA-37-12¹

Employee	John Zibutis	Appeal Date	01/24/12
Agency	Central Management Services	Decision Date	12/28/12
Appeal Type	Allocation	ALJ	Andrew Barris
Issue(s)	Do the duties performed by the employee warrant allocation to a higher classification?	Proposal for Decision	Employee should be allocated to End-User Computer System Analyst.

AA-39-12

Employee	Michele Lashmet	Appeal Date	01/26/12
Agency	Central Management Services	Decision Date	12/28/12
Appeal Type	Allocation	ALJ	Andrew Barris
Issue(s)	Do the duties performed by the employee warrant allocation to a higher classification?	Proposal for Decision	Employee should be allocated to End-User Computer System Analyst.

¹ AA-37-12 and AA-39-12 were consolidated on August 20, 2012 as John Zibutis and Michele Lashmet v. Illinois Department of Central Management Services, AA-37-12.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE EMPLOYEES SHOULD BE ALLOCATED TO END-USER COMPUTER SYSTEM ANALYSTS FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED DECEMBER 28, 2012.

KOLKER	YES	CUMMINGS	YES
DALIANIS	YES	FITZGERALD	YES
KREY			

XII. AMENDMENT TO THE PERSONNEL RULES

EXTENSION OF JURISDICTION (80 IAC PART 305.300)

Section 305.300 Extends Jurisdiction A, B and C (January 31, 2013)

- a) Effective January 31, 2013, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Commerce Commission positions currently classified as Human Resources Coordinator and Manager (position number 81550-31-73-200-00-01 only).

- b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsection (a) will be required to qualify within six months in the same kind of examinations as those required for entrance examinations for comparable positions. All other appointments subsequent to January 31, 2013 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective January 31, 2013.

XIII. STAFF REPORT

Executive Director Daniel Stralka reported:

- The mileage reimbursement rate increased from 55.5 cents per mile to 56.5 cents per mile.

- Floor plan issues have been worked out with the Department of Central Management Services for the proposed space in the Illinois State Police facility for the pending move of its Springfield office space. The Commission is awaiting further direction.

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XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, February 15, 2013 at 10:30 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:15 A.M.